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not therefore be predicated on anything said during that time. Evidently everything was merely suppositional. Accused supposed he was being tried, and the court and jury supposed they were trying him. Emery supposed he was a witness, and, presumably, supposed he was giving perjured testimony; but they were all apparently wrong. The supposed witness was apparently only telling an interesting story without regard to truth, and the judges and jurors were only interested listeners. It may be hard on Emery to thus be deprived of a two-years sentence in the penitentiary, but of such are the rigors of the law.

No Recovery for Physical Consequences of Fright.—A mother, with two young children, was passing in a city street when there was an explosion of a pot of molten lead, some of the drops being cast upon her clothes and hand. She recovered \$2,000 damages for the negligence of defendant, but the Appellate Division of the New York Supreme Court in *Hack v. Dady*, 118 New York Supplement, 906, reversed the judgment, holding that, as the injury was very slight, a radical impairment of her nervous system, general health, and bodily organs, resulting in three successive miscarriages, was not an ordinary and natural result of the accident, but the physical consequence of her fright, and, since damages could not be recovered for mere fright from another's negligence, there could be no recovery for the physical consequence of the fright.

False Imprisonment by Charitable Institution.—The House of the Good Shepherd located at Detroit, Mich., is one of 300 institutions of like character for moral reformation of girls and women, and for the protection of such as may be exposed to particular dangers from injuries affecting character and virtue. Some of the inmates come to it voluntarily, some are placed there at the request of parents or guardians, and some are sent to it instead of the State Industrial School, on conviction of crime. In the case of *Gallon v. House of Good Shepherd*, 122 Northwestern Reporter, 631, the evidence, while conflicting, went to show that plaintiff's ward and sister, for whose benefit the action was instituted, was induced in some way to enter the defendant institution, and was there confined for seven years against her will, and without knowledge of her relatives, who were residing in Detroit and who made efforts to discover her whereabouts without avail. One defense interposed to the action was that the institution was, on account of the statute allowing detention therein of some persons convicted of crime, a governmental agency, and therefore not liable for torts of its agents or employees; another, that it was a public charitable institution, and that funds raised for charitable purposes could not be diverted for payment of injuries sustained through illegal or tortious acts of its officers or servants.

Neither ground of defense was held good by the Michigan Supreme Court, and a judgment awarding damages in plaintiff's favor for the benefit of her ward was sustained. The question of good intentions on the part of those in charge of the institution was held immaterial.

Belief of Death of Former Wife as a Defense to Prosecution for Bigamy.—A case of apparent hardship of the law is disclosed in *Cornett v. Commonwealth*, 121 Southwestern Reporter, 424, in which the Court of Appeals of Kentucky upholds the conviction of defendant for bigamy. It appeared that accused, allured by the prospect of domestic enjoyment, was, on the 5th day of June, 1903, legally married to one Sarah Lewis; but Sarah soon became tired of her home, and went to another state with another man. Members of her family went with her, and defendant was shown a letter from one of these stating that his erstwhile spouse was dead. It appeared that he gave full credence to the report, and believing that she had gone, never to return, decided upon another matrimonial venture, and so in 1908 married one Frankie A. Creech. Soon thereafter, whether with joy or sorrow, he learned that his first wife was still living. He then obtained a divorce, and was remarried to his second wife. But notwithstanding all his pains, the court, in substance, said: "When you first married Miss Creech your first wife was still living and undivorced. It matters not what your intentions were or your belief that she was dead." Moral: Before a man marries a second time he must make sure of one or the other of two facts—either that his earlier wife is legally divorced, or that she is actually dead.

Tender of Street Car Fare.—The Georgia Railway and Electric Company, operating a street railroad system in the city of Atlanta, had a rule requiring conductors to make change to the amount of two dollars, but not to furnish change for a greater amount on tender by passengers for payment of fare. The evidence in *Burge v. Georgia Ry. & Electric Co.*, 65 Southeastern Reporter, 879, went to show that plaintiff and a couple of companions boarded one of defendant's cars, and tendered to the conductor a five-dollar gold piece, with request that all three fares should be taken therefrom. The tender was refused, and none of the trio having any smaller denomination of money, all were ejected. Plaintiff sued for damages, claiming that five dollars was a reasonable amount to tender in payment of car fare, but the trial court, maintaining an opposite view, directed a verdict for defendant. On appeal to the Georgia Supreme Court the judgment was sustained, the court saying that to require conductors to make change for five dollars for every passenger would so delay the progress of cars as to inconvenience the traveling public, and impose an unnecessary burden on the street railroad company.